

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Label No. EV 756262987 US, on the date shown below in an envelope addressed to:

MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 12, 2006 Signature:  (Michelle Pelletier)

Docket No.: 59807-RCE(47793)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Yasunori Fukumitsu, *et al.*

Application No.: 10/649,228

Confirmation No.: 6198

Filed: August 26, 2003

Art Unit: 2181

For: *Data Transferring Apparatus for Transferring  
Liquid Injection Data and a Liquid Ejecting  
Apparatus*

Examiner: R. B. Franklin

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR REVIEW OF PATENT TERM ADJUSTMENT UNDER  
37 C.F.R. §§§ 1.705 AND 1.703(a)(1)**

Sir:

This is a Petition for Review of Patent Term Adjustment under 37 C.F.R. §§§ 1.705, and 1.703(a)(1) to correct the Patent Term Adjustment for the above-referenced patent application. It is respectfully submitted that Patent Term Adjustment of one hundred seventy three (173) days accorded by the Patent Office to the above-referenced application is not correct.

Applicants request appropriate patent term adjustment, pursuant to 37 C.F.R. § 1.703(a)(1), corresponding to the entire period beginning on October 26, 2004 and ending on July 14, 2005, reduced by thirty one (31) days attributed to Applicants' delay.

Attached to this Petition as **Appendix A** is a copy of the Patent Term Adjustment History obtained from PAIR.

**STATEMENT OF FACTS**

1. The Original Official Filing Receipt mailed on November 20, 2003 and the Notice to

Petition to Correct Patent Term Extension  
U.S.S.N. 10/649,228

File Missing Parts mailed on November 20, 2003 indicated the correct filing date of August 26, 2003. Also, the correct filing date of August 26, 2003 was indicated on the return receipt postcard (Unofficial Filing Receipt) received on September 8, 2003.

2. The Updated Official Filing Receipt mailed on January 16, 2004 indicated an incorrect filing date of October 22, 2003. A Request for Correction of the Official Filing Receipt was filed on March 16, 2004 and this error was addressed in the Amendment file on November 14, 2005.

3. Upon an inspection of the Patent Term Adjustment History on PAIR (see Appendix A), the Patent Office calculated the period of adjustment of patent term due to examination delay based on the incorrect filing date of October 22, 2003.

4. The Patent Term Adjustment History indicates that the replacement drawings filed on October 22, 2003 changed the filing date. However, the drawings filed on October 22, 2003 were merely formal drawings of the original drawings submitted on the filing date of August 26, 2003. The formal drawings submitted on October 22, 2003 contain no new matter. Therefore, the submission of the formal drawings on October 22, 2003 has no effect on the filing date of August 26, 2003.

5. Accordingly, Applicants submit that the patent term extension of 173 days is incorrect because appropriate Patent Term Adjustment should include the 57 days that were not included due to the incorrect filing date.

RELIEF REQUESTED

Applicants request the patent term extension include all days beginning on October 26,

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2004 and ending on July 14, 2005, reduced by thirty one (31) days attributed to Applicants' delay and be corrected from 173 to 230 days.

Applicants submit that the instant Petition is being filed promptly with payment of the issue fee, on October 12, 2006. Accordingly, the instant Petition is considered timely filed.

The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

Respectfully submitted,

Date: October 12, 2006

A handwritten signature in cursive script, appearing to read "Scott B. Weston", is written over a horizontal line.

Scott B. Weston

Reg. No. 55,854

EDWARDS ANGELL PALMER & DODGE LLP

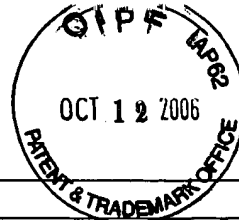
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Search results as of: 10-12-2006::09:24:56 E.T.

**Patent Term Adjustment**

Filing or 371(c) Date:	10-22-2003	USPTO Delay (PTO) Delay (days):	204
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	31
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	173
USPTO Adjustment(days):	+0	Explanation Of Calculations	

**Patent Term Adjustment History**

Date	Contents Description	PTO(Days)	APPL(Days)
07-12-2006	Mail Notice of Allowance		
07-12-2006	Mail Examiner's Amendment		
07-10-2006	Notice of Allowance Data Verification Completed		
07-10-2006	Examiner's Amendment Communication		
05-16-2006	Information Disclosure Statement considered		
05-16-2006	Reference capture on IDS		
05-16-2006	Information Disclosure Statement (IDS) Filed		
05-25-2006	Date Forwarded to Examiner		
05-25-2006	Date Forwarded to Examiner		
05-16-2006	Request for Continued Examination (RCE)		
05-25-2006	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		
05-16-2006	Workflow - Request for RCE - Begin		
02-16-2006	Mail Final Rejection (PTOL - 326)		
02-13-2006	Final Rejection		
12-10-2005	Paralegal TD Accepted		
11-14-2005	Terminal Disclaimer Filed		
11-14-2005	New or Additional Drawing Filed		
12-10-2005	Date Forwarded to Examiner		
11-14-2005	Response after Non-Final Action		31
11-14-2005	Request for Extension of Time - Granted		↑
10-06-2005	Case Docketed to Examiner in GAU		↑
07-14-2005	Mail Non-Final Rejection	204	
07-11-2005	Non-Final Rejection	↑	
06-28-2005	Case Docketed to Examiner in GAU	↑	
06-21-2005	Case Docketed to Examiner in GAU	↑	
06-21-2005	Case Docketed to Examiner in GAU	↑	
06-14-2005	Case Docketed to Examiner in GAU	↑	
03-18-2004	Information Disclosure Statement (IDS) Filed	↑	
04-08-2004	IFW TSS Processing by Tech Center Complete	↑	
04-08-2004	Case Docketed to Examiner in GAU	↑	
01-16-2004	Application Return from OIPE	↑	
01-16-2004	Application Return TO OIPE	↑	

01-16-2004	Application Dispatched from OIPE	↑
01-16-2004	Application Is Now Complete	↑
12-09-2003	Additional Application Filing Fees	↑
12-09-2003	An assertion that the nature of the legal entities having property rights to the patent authorizes t	↑
12-09-2003	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑
11-20-2003	Notice Mailed--Application Incomplete--Filing Date Assigned	↑
10-22-2003	Additional Application Filing Fees	↑
10-22-2003	Replacement Drawings (Changes the Filing Date)	↑
11-18-2003	Notice Mailed--Application Incomplete--Filing Date Assigned	↑
11-08-2003	Cleared by OIPE CSR	↑

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